

K. Martin



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: CEFCO Enterprises, Inc.

File: B-227490

Date: July 2, 1987

DIGEST

Protest contending that there is no good reason for the agency's request for best and final offers under a request for quotations (RFQ) does not provide a valid basis for protest. While a request for best and final offers under a RFQ is a misnomer because a quotation received in response to a RFQ is not a binding offer that can be accepted by the government, such a request is not illegal and may be a useful means of negotiation to determine the firm the government will offer a contract to for acceptance.

DECISION

CEFCO Enterprises, Inc. protests a request for best and final offers it received from the Department of the Army under request for quotations (RFQ) No. DLA700-87-R-0354. CEFCO sees no reason for the best and final offer and believes that it will lead to the release of its prices.

We dismiss the protest.

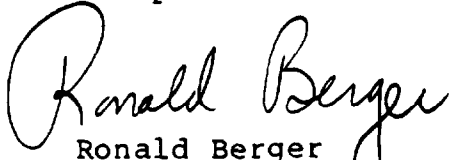
The RFQ was issued October 27, 1986 and requested quotations for ball valves by November 26. CEFCO submitted a quotation for a ball valve that it contends is functionally equivalent to the ball valve specified in the RFQ. On June 11, 1987 CEFCO received a request for a best and final offer from the Army that was due by June 16.

Under our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1986), a protest will be dismissed when, on its face, it fails to state a valid basis for protest. In this case, although the protester refers to the sealed bid nature of the procurement, an RFQ is, in fact, one method used in negotiated procurements to solicit information from a prospective contractor. Federal Acquisition Regulation, 48 C.F.R. § 15.400 (1986). Moreover, unlike a bid received in a sealed bid procurement, a quotation received in response to an RFQ is not a binding offer that can be accepted by the government. Thus, a request for best and final "offers" made under an RFQ is in effect nothing more than a means of negotiation used to obtain the quoters' best

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quotation that the government can use to determine the firm to which it will offer the contract for acceptance. Such a request does not lead to a disclosure of prices. Thus, while a request for best and final "offers" under an RFQ is technically a misnomer, it is not illegal and may be useful in negotiating price, delivery or other terms.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel